

## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Brandice Elliott, Case Manager  
 Joel Lawson, Associate Director Development Review  
**DATE:** July 17, 2015  
**SUBJECT:** BZA Case 19036, 17 Franklin Street, N.E.

### **I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following:

- § 202.10, Accessory Apartment

### **II. LOCATION AND SITE DESCRIPTION**

Address	17 Franklin Street, N.E.
Legal Description	Square 3501, Lot 103
Ward	5, 5E
Lot Characteristics	The rectangular lot is 1,250 square feet in area, with a frontage of 16.6 feet along Franklin Street. The rear of the lot abuts an existing 15 foot wide public alley.
Zoning	R-3 – detached and semi-detached single family dwellings, and row dwellings.
Existing Development	Row dwelling, permitted in this zone.
Historic District	N/A
Adjacent Properties	Adjacent properties are generally residential, with row dwellings surrounding the subject site.
Surrounding Neighborhood Character	While the Stronghold neighborhood is residential, it is located near several institutional uses: McMillan Reservoir to the west; Glenwood Cemetery to the southeast; and Trinity College to the east.

### **III. APPLICATION IN BRIEF**

The applicant proposes to convert the basement of a two story row dwelling into an accessory apartment. At approximately 500 square feet, the apartment would be accessible from a separate entry already provided at the front of the dwelling. The unit would be fully contained within the existing footprint of the basement, and the applicant has not proposed any alterations or additions to the dwelling.

#### IV. ZONING REQUIREMENTS and RELIEF REQUESTED

R-3 Zone	Regulation	Existing/Proposed	Relief
Single Family Residence § 202.10	One-family detached	Row dwelling	<b>Waiver Requested</b>
Minimum Lot Area § 202.10(a)(2)	4,000 sf. min.	1,250 sf.	<b>Waiver Requested</b>
House Gross Floor Area § 202.10(b)	2,000 sf. min.	2009.61 sf.	None required
Accessory Apartment Gross Floor Area § 202.10(c)	25% of GFA of dwelling max. (502.4 s.f.)	24.8% (500 sf.)	None required

#### V. OFFICE OF PLANNING ANALYSIS

##### **Special Exception Relief pursuant to § 202.10, Accessory Apartment**

###### Compliance with § 202.10

*An accessory apartment may be added within an existing **one-family detached dwelling** if approved by the Board of Zoning Adjustment as a special exception under § 3104, subject to the following provisions:*

*(a) The lot shall have a minimum lot area for the following zone Districts:*

*(2) Four thousand square feet (4,000 sq. ft.) for R-3;*

The existing lot is located in the R-3 District and has an area of 1,250 square feet. The applicant has requested a waiver from this requirement.

*(b) The house shall have at least two thousand square feet (2,000 sq. ft.) of gross floor area, exclusive of garage space;*

The house has a gross floor area of 2,009 square feet, exclusive of garage and attic space, and complies with this provision.

*(c) The accessory apartment unit may not occupy more than twenty-five percent (25%) of the gross floor area of the house;*

The accessory apartment is 500 square feet in area, which is 24.8% of the gross living area of the house.

*(d) The new apartment may be created only through internal conversion of the house, without any additional lot occupancy or gross floor area; garage space may not be converted;*

The apartment would be an internal conversion of the basement of the row dwelling, and no additional lot occupancy or gross floor area would be added.

The floor plan provided by the applicant indicates that the garage would be converted into a bedroom; however, the space identified as a garage does not function as such. The applicant has verified that in the fifteen years she has lived in the dwelling, the interior of the garage has been boarded and the door does not open. Further, the garage is 10'-5" wide by 13'-1" long, with an 8'-4" wide door. The space does not comply with the minimum dimensions of a required parking space, which is 9 feet wide by 19 feet long, and would not accommodate a modern vehicle. As a result, the space has been used exclusively for storage for several years. The intent of this regulation is to ensure that a parking space is retained on the lot, which would continue to be the case with this lot, as a compliant parking space would be provided in the rear yard.

- (e) If an additional entrance to the house is created, it shall not be located on a wall of the house that faces a street;*

The existing entrance to the basement is located on the north elevation of the dwelling, and faces Franklin Street. Additional entrances would not be created to accommodate the apartment.

- (f) Either the principal dwelling or accessory apartment unit must be owner-occupied;*

The principal dwelling will continue to be owner-occupied.

- (g) The aggregate number of persons that may occupy the house, including the principal dwelling and the accessory apartment combined, shall not exceed six (6);*

The applicant has indicated that a maximum of three people would occupy the row dwelling and accessory apartment at a given time. At 500 square feet, an occupancy of two people in the apartment would be appropriate.

- (h) An accessory apartment may not be added where a home occupation is already located on the premises; and*

A home occupation is not located on the premises.

- (i) The Board may modify or waive not more than two (2) of the requirements specified in paragraphs (a) through (h) of this subsection; provided, that the following occurs:*

- (1) The owner-occupancy requirement of paragraph (f) shall not be waived;*
- (2) Any modification(s) approved shall not conflict with the intent of this section to maintain a single-family residential appearance and character in the R-1-, R-2, and R-3 Districts; and*
- (3) Any request to modify more than two (2) of the requirements of this subsection shall be deemed a request for a use variance.*

The applicant has requested that two requirements be waived for the accessory apartment. First, § 202.10 requires the apartment to be located within an existing one-family detached dwelling. The existing dwelling is a row dwelling. Second, § 202.10(a)(2) requires the lot to have a minimum area of 5,000 square feet; the area of the lot is 1,250 square feet.

The Board's granting of a waiver from the first requirement of the subsection, which requires accessory apartments to be located in an existing one-family detached dwelling, would allow the applicant "to establish an accessory unit which would for the most part satisfy all other provisions and which would not change the principal use of the property as a one-family residence. It would not permit the conversion to a flat, which is a different principal use from a one-family residential," and would not be permitted in the R-3 District.<sup>1</sup>

**i. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?**

The proposal would be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The accessory apartment requires no alterations to the dwelling and complies with most requirements of § 202.10. The requested waivers represent minimal areas which would not change the principal use as a single-family residential structure as permitted in the R-3 District.

**ii. Would the proposal appear to tend to affect adversely, the use of neighboring property?**

The proposal would not adversely impact the use of neighboring properties. The accessory apartment would not alter the character of the neighborhood, as the primary use would still be that of a single family dwelling, and no exterior alterations would be made to the dwelling. In addition, the applicant has provided letters from neighboring property owners verifying their support of this request. As a result, the light, air or privacy of adjacent neighbors would not be compromised.

**COMMENTS OF OTHER DISTRICT AGENCIES**

As of the date of this writing, comments from other District agencies had not been received; however, it is anticipated that DDOT will file a report under separate cover.

**VI. COMMUNITY COMMENTS**

At its regularly scheduled meeting on June 16, 2015, ANC 5E voted unanimously to recommend approval of the requested special exception. In addition, several neighbors have provided letters of support.

Attachment: Location Map

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<sup>1</sup> See Order 18232, page 5.

### Location Map

